

In the Senate of the United States,

October 2 (legislative day, September 17), 2008.

Resolved, That the bill from the House of Representatives (H.R. 7222) entitled “An Act to extend the Andean Trade Preference Act, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. EXTENSION OF ANDEAN TRADE PREFERENCE**

2 **ACT.**

3 (a) EXTENSION.—Section 208 of the Andean Trade
4 Preference Act (19 U.S.C. 3206) is amended to read as
5 follows:

6 **“SEC. 208. TERMINATION OF PREFERENTIAL TREATMENT.**

7 “(a) IN GENERAL.—No duty-free treatment or other
8 preferential treatment extended to beneficiary countries
9 under this title shall—

1 “(1) remain in effect with respect to Colombia
2 or Peru after December 31, 2009;

3 “(2) remain in effect with respect to Ecuador
4 after June 30, 2009, except that duty-free treatment
5 and other preferential treatment under this title
6 shall remain in effect with respect to Ecuador dur-
7 ing the period beginning on July 1, 2009, and end-
8 ing on December 31, 2009, unless the President re-
9 views the criteria set forth in section 203, and on or
10 before June 30, 2009, reports to the Committee on
11 Finance of the Senate and the Committee on Ways
12 and Means of the House of Representatives pursu-
13 ant to subsection (b) that—

14 “(A) the President has determined that
15 Ecuador does not satisfy the requirements set
16 forth in section 203(c) for being designated as
17 a beneficiary country; and

18 “(B) in making that determination, the
19 President has taken into account each of the
20 factors set forth in section 203(d); and

21 “(3) remain in effect with respect to Bolivia
22 after June 30, 2009, except that duty-free treatment
23 and other preferential treatment under this title
24 shall remain in effect with respect to Bolivia during
25 the period beginning on July 1, 2009, and ending on

1 December 31, 2009, only if the President reviews
2 the criteria set forth in section 203, and on or before
3 June 30, 2009, reports to the Committee on Finance
4 of the Senate and the Committee on Ways and
5 Means of the House of Representatives pursuant to
6 subsection (b) that—

7 “(A) the President has determined that
8 Bolivia satisfies the requirements set forth in
9 section 203(c) for being designated as a bene-
10 ficiary country; and

11 “(B) in making that determination, the
12 President has taken into account each of the
13 factors set forth in section 203(d).

14 “(b) REPORTS.—On or before June 30, 2009, the
15 President shall make determinations pursuant to sub-
16 sections (a)(2)(A) and (a)(3)(A) and report to the Com-
17 mittee on Finance of the Senate and the Committee on
18 Ways and Means of the House of Representatives on—

19 “(1) such determinations; and

20 “(2) the reasons for such determinations.”.

21 (b) TREATMENT OF CERTAIN APPAREL ARTICLES.—
22 Section 204(b)(3) of such Act (19 U.S.C. 3203(b)(3)) is
23 amended—

24 (1) in subparagraph (B)—

25 (A) in clause (iii)—

1 (i) in subclause (II), by striking “6
 2 succeeding 1-year periods” and inserting
 3 “7 succeeding 1-year periods”; and

4 (ii) in subclause (III)(bb), by striking
 5 “and for the succeeding 1-year period” and
 6 inserting “and for the succeeding 2-year
 7 period”; and

8 (B) in clause (v)(II), by striking “5 suc-
 9 ceeding 1-year periods” and inserting “6 suc-
 10 ceeding 1-year periods”; and

11 (2) in subparagraph (E)(ii)(II), by striking
 12 “December 31, 2008” and inserting “December 31,
 13 2009”.

14 **SEC. 2. EARNED IMPORT ALLOWANCE PROGRAM.**

15 (a) IN GENERAL.—Title IV of the Dominican Repub-
 16 lic-Central America-United States Free Trade Agreement
 17 Implementation Act (Public Law 109–53; 119 Stat. 495)
 18 is amended by adding at the end the following:

19 **“SEC. 404. EARNED IMPORT ALLOWANCE PROGRAM.**

20 **“(a) PREFERENTIAL TREATMENT.—**

21 **“(1) IN GENERAL.—**Eligible apparel articles
 22 wholly assembled in an eligible country and imported
 23 directly from an eligible country shall enter the
 24 United States free of duty, without regard to the
 25 source of the fabric or yarns from which the articles

1 are made, if such apparel articles are accompanied
2 by an earned import allowance certificate that re-
3 flects the amount of credits equal to the total square
4 meter equivalents of fabric in such apparel articles,
5 in accordance with the program established under
6 subsection (b).

7 “(2) DETERMINATION OF QUANTITY OF SME.—

8 For purposes of determining the quantity of square
9 meter equivalents under paragraph (1), the conver-
10 sion factors listed in ‘Correlation: U.S. Textile and
11 Apparel Industry Category System with the Har-
12 monized Tariff Schedule of the United States of
13 America, 2008’, or its successor publications, of the
14 United States Department of Commerce, shall apply.

15 “(b) EARNED IMPORT ALLOWANCE PROGRAM.—

16 “(1) ESTABLISHMENT.—The Secretary of Com-
17 merce shall establish a program to provide earned
18 import allowance certificates to any producer or enti-
19 ty controlling production of eligible apparel articles
20 in an eligible country for purposes of subsection (a),
21 based on the elements described in paragraph (2).

22 “(2) ELEMENTS.—The elements referred to in
23 paragraph (1) are the following:

24 “(A) One credit shall be issued to a pro-
25 ducer or an entity controlling production for

1 every two square meter equivalents of qualifying
2 fabric that the producer or entity controlling
3 production can demonstrate that it has pur-
4 chased for the manufacture in an eligible coun-
5 try of articles like or similar to any article eligi-
6 ble for preferential treatment under subsection
7 (a). The Secretary of Commerce shall, if re-
8 quested by a producer or entity controlling pro-
9 duction, create and maintain an account for
10 such producer or entity controlling production,
11 into which such credits may be deposited.

12 “(B) Such producer or entity controlling
13 production may redeem credits issued under
14 subparagraph (A) for earned import allowance
15 certificates reflecting such number of earned
16 credits as the producer or entity may request
17 and has available.

18 “(C) Any textile mill or other entity lo-
19 cated in the United States that exports quali-
20 fying fabric to an eligible country may submit,
21 upon such export or upon request, the Shipper’s
22 Export Declaration, or successor documenta-
23 tion, to the Secretary of Commerce—

24 “(i) verifying that the qualifying fab-
25 ric was exported to a producer or entity

1 controlling production in an eligible coun-
2 try; and

3 “(ii) identifying such producer or enti-
4 ty controlling production, and the quantity
5 and description of qualifying fabric ex-
6 ported to such producer or entity control-
7 ling production.

8 “(D) The Secretary of Commerce may re-
9 quire that a producer or entity controlling pro-
10 duction submit documentation to verify pur-
11 chases of qualifying fabric.

12 “(E) The Secretary of Commerce may
13 make available to each person or entity identi-
14 fied in the documentation submitted under sub-
15 paragraph (C) or (D) information contained in
16 such documentation that relates to the purchase
17 of qualifying fabric involving such person or en-
18 tity.

19 “(F) The program shall be established so
20 as to allow, to the extent feasible, the submis-
21 sion, storage, retrieval, and disclosure of infor-
22 mation in electronic format, including informa-
23 tion with respect to the earned import allow-
24 ance certificates required under subsection
25 (a)(1).

1 “(G) The Secretary of Commerce may rec-
2 oncile discrepancies in the information provided
3 under subparagraph (C) or (D) and verify the
4 accuracy of such information.

5 “(H) The Secretary of Commerce shall es-
6 tablish procedures to carry out the program
7 under this section by September 30, 2008, and
8 may establish additional requirements to carry
9 out the program.

10 “(c) DEFINITIONS.—For purposes of this section—

11 “(1) the term ‘appropriate congressional com-
12 mittees’ means the Committee on Ways and Means
13 of the House of Representatives and the Committee
14 on Finance of the Senate;

15 “(2) the term ‘eligible apparel articles’ means
16 the following articles classified in chapter 62 of the
17 HTS (and meeting the requirements of the rules re-
18 lating to chapter 62 of the HTS contained in gen-
19 eral note 29(n) of the HTS) of cotton (but not of
20 denim): trousers, bib and brace overalls, breeches
21 and shorts, skirts and divided skirts, and pants;

22 “(3) the term ‘eligible country’ means the Do-
23 minican Republic; and

24 “(4) the term ‘qualifying fabric’ means woven
25 fabric of cotton wholly formed in the United States

1 from yarns wholly formed in the United States and
2 certified by the producer or entity controlling pro-
3 duction as being suitable for use in the manufacture
4 of apparel items such as trousers, bib and brace
5 overalls, breeches and shorts, skirts and divided
6 skirts or pants, all the foregoing of cotton, except
7 that—

8 “(A) fabric otherwise eligible as qualifying
9 fabric shall not be ineligible as qualifying fabric
10 because the fabric contains nylon filament yarn
11 with respect to which section
12 213(b)(2)(A)(vii)(IV) of the Caribbean Basin
13 Economic Recovery Act applies;

14 “(B) fabric that would otherwise be ineli-
15 gible as qualifying fabric because the fabric
16 contains yarns not wholly formed in the United
17 States shall not be ineligible as qualifying fabric
18 if the total weight of all such yarns is not more
19 than 10 percent of the total weight of the fab-
20 ric, except that any elastomeric yarn contained
21 in an eligible apparel article must be wholly
22 formed in the United States; and

23 “(C) fabric otherwise eligible as qualifying
24 fabric shall not be ineligible as qualifying fabric
25 because the fabric contains yarns or fibers that

1 have been designated as not commercially avail-
2 able pursuant to—

3 “(i) article 3.25(4) or Annex 3.25 of
4 the Agreement;

5 “(ii) Annex 401 of the North Amer-
6 ican Free Trade Agreement;

7 “(iii) section 112(b)(5) of the African
8 Growth and Opportunity Act;

9 “(iv) section 204(b)(3)(B)(i)(III) or
10 (ii) of the Andean Trade Preference Act;

11 “(v) section 213(b)(2)(A)(v) or
12 213A(b)(5)(A) of the Caribbean Basin
13 Economic Recovery Act; or

14 “(vi) any other provision, relating to
15 determining whether a textile or apparel
16 article is an originating good eligible for
17 preferential treatment, of a law that imple-
18 ments a free trade agreement entered into
19 by the United States that is in effect at
20 the time the claim for preferential treat-
21 ment is made.

22 “(d) REVIEW AND REPORT.—

23 “(1) REVIEW.—The United States Inter-
24 national Trade Commission shall carry out a review
25 of the program under this section annually for the

1 purpose of evaluating the effectiveness of, and mak-
2 ing recommendations for improvements in, the pro-
3 gram.

4 “(2) REPORT.—The United States Inter-
5 national Trade Commission shall submit to the ap-
6 propriate congressional committees annually a report
7 on the results of the review carried out under para-
8 graph (1).

9 “(e) EFFECTIVE DATE AND APPLICABILITY.—

10 “(1) EFFECTIVE DATE.—The program under
11 this section shall be in effect for the 10-year period
12 beginning on the date on which the President cer-
13 tifies to the appropriate congressional committees
14 that sections A, B, C, and D of the Annex to Presi-
15 dential Proclamation 8213 (December 20, 2007)
16 have taken effect.

17 “(2) APPLICABILITY.—The program under this
18 section shall apply with respect to qualifying fabric
19 exported to an eligible country on or after August 1,
20 2007.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 for the Dominican Republic-Central America-United
23 States Free Trade Agreement Implementation Act is
24 amended by inserting after the item relating to section
25 403 the following:

“Sec. 404. Earned import allowance program.”.

1 **SEC. 3. AFRICAN GROWTH AND OPPORTUNITY ACT.**

2 (a) IN GENERAL.—Section 112 of the African
3 Growth and Opportunity Act (19 U.S.C. 3721) is amend-
4 ed—

5 (1) in subsection (b)(6)(A), by striking “ethic”
6 in the second sentence and inserting “ethnic”; and

7 (2) in subsection (c)—

8 (A) in paragraph (1), by striking “, and
9 subject to paragraph (2),”;

10 (B) by striking paragraphs (2) and (3);

11 (C) in paragraph (4)—

12 (i) by striking “Subsection (b)(3)(C)”
13 and inserting “Subsection (b)(3)(B)”; and

14 (ii) by redesignating such paragraph
15 (4) as paragraph (2); and

16 (D) by striking paragraph (5) and insert-
17 ing the following:

18 “(3) DEFINITION.—In this subsection, the term
19 ‘lesser developed beneficiary sub-Saharan African
20 country’ means—

21 “(A) a beneficiary sub-Saharan African
22 country that had a per capita gross national
23 product of less than \$1,500 in 1998, as meas-
24 ured by the International Bank for Reconstruc-
25 tion and Development;

26 “(B) Botswana;

1 “(C) Namibia; and

2 “(D) Mauritius.”.

3 (b) APPLICABILITY.—The amendments made by sub-
4 section (a) apply to goods entered, or withdrawn from
5 warehouse for consumption, on or after the 15th day after
6 the date of the enactment of this Act.

7 (c) REVIEW AND REPORTS.—

8 (1) ITC REVIEW AND REPORT.—

9 (A) REVIEW.—The United States Inter-
10 national Trade Commission shall conduct a re-
11 view to identify yarns, fabrics, and other textile
12 and apparel inputs that through new or in-
13 creased investment or other measures can be
14 produced competitively in beneficiary sub-Saha-
15 ran African countries.

16 (B) REPORT.—Not later than 7 months
17 after the date of the enactment of this Act, the
18 United States International Trade Commission
19 shall submit to the appropriate congressional
20 committees and the Comptroller General a re-
21 port on the results of the review carried out
22 under subparagraph (A).

23 (2) GAO REPORT.—Not later than 90 days
24 after the submission of the report under paragraph
25 (1)(B), the Comptroller General shall submit to the

1 appropriate congressional committees a report that,
2 based on the results of the report submitted under
3 paragraph (1)(B) and other available information,
4 contains recommendations for changes to United
5 States trade preference programs, including the Af-
6 rican Growth and Opportunity Act (19 U.S.C. 3701
7 et seq.) and the amendments made by that Act, to
8 provide incentives to increase investment and other
9 measures necessary to improve the competitiveness
10 of beneficiary sub-Saharan African countries in the
11 production of yarns, fabrics, and other textile and
12 apparel inputs identified in the report submitted
13 under paragraph (1)(B), including changes to re-
14 quirements relating to rules of origin under such
15 programs.

16 (3) DEFINITIONS.—In this subsection—

17 (A) the term “appropriate congressional
18 committees” means the Committee on Ways
19 and Means of the House of Representatives and
20 the Committee on Finance of the Senate; and

21 (B) the term “beneficiary sub-Saharan Af-
22 rican countries” has the meaning given the
23 term in section 506A(c) of the Trade Act of
24 1974 (19 U.S.C. 2466a(c)).

1 (d) CLERICAL AMENDMENT.—Section 6002(a)(2)(B)
2 of Public Law 109–432 is amended by striking “(B) by
3 striking” and inserting “(B) in paragraph (3), by strik-
4 ing”.

5 **SEC. 4. GENERALIZED SYSTEM OF PREFERENCES.**

6 Section 505 of the Trade Act of 1974 (19 U.S.C.
7 2465) is amended by striking “December 31, 2008” and
8 inserting “December 31, 2009”.

9 **SEC. 5. CUSTOMS USER FEES.**

10 (a) IN GENERAL.—Section 13031(j)(3) of the Con-
11 solidated Omnibus Budget Reconciliation Act of 1985 (19
12 U.S.C. 58c(j)(3)) is amended—

13 (1) in subparagraph (A), by striking “Novem-
14 ber 14, 2017” and inserting “February 14, 2018”;
15 and

16 (2) in subparagraph (B)(i), by striking “Octo-
17 ber 7, 2017” and inserting “January 31, 2018”.

18 (b) REPEAL.—Section 15201 of the Food, Conserva-
19 tion, and Energy Act of 2008 (Public Law 110–246) is
20 amended by striking subsections (c) and (d).

21 **SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED**
22 **TAXES.**

23 The percentage under subparagraph (C) of section
24 401(1) of the Tax Increase Prevention and Reconciliation

1 Act of 2005 in effect on the date of the enactment of this
2 Act is increased by 2 percentage points.

3 **SEC. 7. TECHNICAL CORRECTIONS.**

4 Section 15402 of the Food, Conservation, and En-
5 ergy Act of 2008 (Public Law 110–246) is amended—

6 (1) in subsections (a) and (b), by striking
7 “Carribean” each place it appears and inserting
8 “Caribbean”; and

9 (2) in subsection (d), by striking “231A(b)”
10 and inserting “213A(b)”.

Attest:

Secretary.

110TH CONGRESS
2D SESSION

H.R. 7222

AMENDMENT